

ORIGINAL

(17)

8-13-0
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United States District Court
Middle District
of Pennsylvania

Randy Alan StARNER

VS.

DR. Daniels, Prison Physician
Helen SNEED, Deputy Warden of
Treatment, Carl Reitz, Warden
Cumberland County Prison,
Richard Rivegno, Commissioner
Cumberland County, and
Cumberland County

FILED
HARRISBURG, PA

AUG 10 2001

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

Brief in Support of
Motion, Jury Trial by Right
PER Fed. R. Civ. P. 38(a)(b).

Plaintiff, a prisoner, filed a Pro Se 42 U.S.C. sec. 1983 civil rights lawsuit against the Dr. Daniels, Northampton County Prison Physician, Mrs. Sneed, Deputy Warden of Treatment, Mr. Reitz, Warden, Richard Rivegno, County Commissioner and Cumberland County. Plaintiff claims, Dr. Daniels refused to provide medical treatment (among other things) to the plaintiff, pertaining to carpal tunnel.

Argument

Plaintiff wishes to exercise his Right guaranteed by the Seventh Amendment of the Constitution and per Federal Rules of Civil Procedure, Rule 38; JURY Trial by Right; (a) Right PRESERVED, (b) Demand.

42 § 38(a) Right PRESERVED

The Right of trial by JURY as declared by the Seventh Amendment

to the Constitution or as given by a statute of the United States shall be preserved to the parties inviolate.

42 § 38(b) Demand

Any party may demand a trial by jury of any issue triable of right by a jury by; (1) serving upon the other parties a demand therefore in writing at any time after the commencement of the action and not later than 10 days after service of the

last pleading directed to such issue; and (2) filing the demand as required by Rule 5(d). Such demand may be endorsed upon a pleading of the party.

In order for Plaintiff to receive just redress pertaining to the issues before the Honorable Court, "Pro Se" 42 U.S.C. sec. 1983 civil rights" Plaintiff must be permitted to call witnesses that must be subpoenaed, for the protection of their livelihood, and give valuable testimony on Plaintiff's behalf.

Also there is physical evidence that must be viewed to fully comprehend and digest the allegations surrounding said physical evidence.

Conclusion

Therefore: For reasons stated within, Plaintiff wishes to invoke his rights guaranteed by the Seventh Amendment of the Constitution, by way of Federal Rules of Civil Procedure, Rule 38; JURY Trial by Right.

By Randy Alan Starner

Randy Alan Starner
Cumberland County Prison
1101 Claremont Rd.
Carlisle, Pa. 17013

8-8-01

Date

In The United States District Court For The
Middle District of Pennsylvania

Randy Alan StARNER

No: 01-CV-757

VS.

DR. Daniels, Prison Physician,
Helen SNEED, Deputy Warden
of Treatment, Earl Reitz,
Warden Cumberland County
Prison, Richard Rivegno, Commissioner
Cumberland County and Cumberland
County

Certificate of Service

I hereby certify that SERVICE of a TRUE and CORRECT copy
of the enclosed Plaintiff's Motion, Jury Trial by Right, was sent
to Defendant's Attorney on 8-8-01 by first class mail.

Andrea L Bennett
Suite 200, 100 W. Elm St.
Conshohocken, Pa. 19428

By: Randy Alan StARNER
Cumberland County Prison